

EXHIBIT B-1

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September 23, 2015

Via e-mail

Phil Combs

Thomas Combs & Spann, PLLC

P.O. Box 3824

Charleston, WV 25301

RE: *In re: Ethicon, Inc. Pelvic Repair System*
Products Liability Litigation

Dear Mr. Combs:

This is in response to your August 5, 2015 letter and our telephonic meet and confer on August 21, 2015 regarding Plaintiffs' 30(b)(6) notice on particles and foreign material in products and packaging.

I have reviewed the chart in your letter detailing prior 30(b)(6) topics and prior testimony which Defendants allege is duplicative of topics contained within the notice. The current notice is very specific and covers a discrete set of very limited manufacturing issues. In contrast, many of the prior 30(b)(6) topics identified in your letter are very broad design topics. I do not find that the very specific topics addressed in the current notice are directly addressed within the prior testimony you cite, or the very broad topics addressed in our prior notices. This is particularly true due to the fact that 3 of the 7 documents which are attached to the notice and are the basis of the subject matter of the notice¹ were not produced until after 2-04-2014, which is the last day of

¹ Exhibits A-1, A-5, and A-6

Phil Combs
September 23, 2015
Page 2

witness testimony or prior 30(b)(6) testimony you have cited.² We have also done an analysis of the very limited number of documents that you have identified in response to our corresponding document requests, which directly relate to the topics in the notice. We have found that approximately 50% of both the documents and productions you have identified so far as responsive to our requests were not produced to the Plaintiffs until after 02-04-2014. I would note that your response to our document requests is still deficient, as addressed in my letter of July 17, 2015, and defendants still have not supplemented their response at this time. It would be expected that the number of newly produced documents identified would only increase once an adequate response is made by defendants.

Your conclusion that the overwhelming majority of topics in the notice have already been covered either by prior testimony from multiple witnesses or Plaintiffs' prior opportunities to question company witnesses about these topics is illogical given the fact that the narrow issues addressed in this notice arise from documents that Plaintiffs did not have in their possession at the time of these prior depositions. It would also seem premature to Defendants to make that conclusion without first ensuring all of the relevant documents which are responsive to the topics and document requests in the notice are identified and produced. For these reasons, we believe that all topics currently in the notice are not duplicative, and Plaintiffs are entitled to discovery on all topics. However, in the spirit of compromise, we are willing to discuss a proposal to limit the scope of topics 1 and 2 of the notice.

Please contact me if you would like to discuss the matter further.

Very truly yours,

/s/ Andrew N. Faes

Andrew N. Faes

ANF/dl

cc: Rich Bernardo
Ben Watson
Paul Rosenblatt
Bryan Aylstock
Renee Baggett
Rich Freese

² For the purposes of simplicity, Katrin Elbert's 12-23-14 is excluded from this analysis, as you have only cited her testimony with respect to one topic in the current notice, and Ms. Elbert has never been designed by Ethicon as a 30(b)(6) designee on any topic.